

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**JULIAN ROSARIO, on behalf of himself
and all others similarly situated.**

Plaintiffs,

v.

**VALENTINE AVENUE DISCOUNT
STORE, CO. INC., et. al.**

Defendants.

10 CIV 05255 (ERK) (LB)

**NOTICE OF JOINT MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT OF COLLECTIVE AND CLASS ACTION**

PLEASE TAKE NOTICE that on February 27, 2015, or as soon thereafter as counsel may be heard, before the Honorable United States District Judge Edward R. Korman, or whomever may be sitting in his stead, in the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, the undersigned counsel shall move, pursuant to §216(b) of the Fair Labor Standards Act ("FLSA") and Federal Rule of Civil Procedure ("FRCP") 23, for an order:

- 1) Granting preliminary approval of the proposed Settlement; and
- 2) Preliminarily certifying, for settlement purposes only and pursuant to the terms of the Settlement Agreement between the parties, the proposed collective class pursuant to Section 216(b) of the FLSA and the proposed NYLL Settlement Class pursuant to FRCP 23, as described in the Settlement Agreement and Amended Complaint, and below, all for the purposes of providing notice to the members of the proposed Settlement Classes; and
- 3) Approving the form and content of and directing the distribution of the proposed Notice, Claim Form and Consent to Join and Release, annexed to the Settlement Agreement, Release, and Waiver, as Tabs C & D, which are annexed to the Declaration of Michael J. Borrelli as Exhibit 1.
- 4) Appointing Plaintiff's Counsel as Class Counsel representing the Plaintiff and classes named in the Amended Complaint and in the Settlement Agreement for

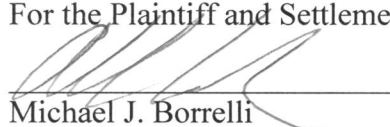
purposes of the Settlement;

- 5) Appointing the Plaintiff named in the Amended Complaint as Settlement Class Representative;
- 6) Appointing the Garden City Group, Inc. as Settlement Administrator;
- 7) Pursuant to 28 U.S.C. § 1651(a), enjoining all members of the proposed Settlement Classes from initiating or proceeding with any and all suits, actions, causes of action, claims, or demands in federal or state court based on putative violations of the FLSA or any state or local law (including statutory, regulatory, and common law) pertaining to hours of work or payment of wages, including without limitation all claims that were asserted or could have been asserted by or on behalf of all discount retail store employees who worked for Defendants within the applicable proposed Class Periods through the date of dismissal of this lawsuit; and
- 8) setting the final fairness hearing for a date no earlier than one hundred twenty days (120) days from the date of this motion, as required by 28 U.S.C. § 1715, at the Eastern District of New York.

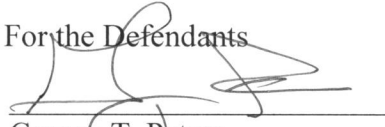
PLEASE TAKE FURTHER NOTICE that Plaintiffs will rely on the supporting memorandum of law and declaration submitted in support of this motion, with all exhibits, and all proceedings heretofore had herein. A proposed order accompanies this motion.

Date: February 27, 2015

For the Plaintiff and Settlement Classes


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